

**UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF LOUISIANA
LAFAYETTE DIVISION**

THREVIA WEST

CIVIL DOCKET NO. 6:21-CV-04431

VERSUS

JUDGE DAVID C. JOSEPH

**CONSOLIDATED GOVERNMENT
OF LAFAYETTE, ET AL**

**MAGISTRATE JUDGE CAROL B.
WHITEHURST**

JUDGMENT

For the reasons stated in the REPORT AND RECOMMENDATION [Doc. 19] of the Magistrate Judge previously filed herein, considering the lack of written objections filed and concurring with the findings of the Magistrate Judge under applicable law;

IT IS ORDERED that the MOTION TO DISMISS [Doc. 8] all claims alleged against Lt. Scott Morgan under Section 1983, which are alleged against him in his official capacity, is GRANTED, and these claims are DENIED AND DISMISSED with prejudice.

IT IS FURTHER ORDERED that the MOTION TO DISMISS [Doc. 8] the plaintiffs' Monell claims against Lafayette City-Parish Government for excessive force, failure to train, and failure to discipline is GRANTED WITHOUT PREJUDICE, subject to the right of the plaintiff to amend her Complaint to address the deficiencies noted in this Report. The plaintiff shall have 14 days from the date of this Judgment to amend her Complaint.


IT IS FURTHER ORDERED that the MOTION TO DISMISS [Doc. 8] the plaintiffs' claims against Officer Lavergne and Officer Huval in their individual capacities for

excessive force is GRANTED WITHOUT PREJUDICE, subject to the right of the plaintiff to amend her Complaint to address the deficiencies noted in this Report. The plaintiff shall have 14 days from the date of this Judgment to amend her Complaint. No finding as to qualified immunity is being made at this time.

IT IS FURTHER ORDERED that the MOTION TO DISMISS [Doc. 8] the plaintiffs' claims against Officer Lavergne and Officer Huval in their individual capacities for unreasonable seizure is DENIED.

IT IS FURTHER ORDERED that the MOTION TO DISMISS [Doc. 8] the plaintiffs' state law claims is DENIED.

THUS, DONE AND SIGNED in chambers this 31st day of May, 2022.



DAVID C. JOSEPH
UNITED STATES DISTRICT JUDGE